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REMARKS

Claims 1-70 were pending but have been cancelled. New claims 71-87 have been added.

Support for the new claims may be found, for example, on page 19, line 25 to page 20, line 1; page 20, lines 11-23; page 52, line 6; in Example 6; and in former claims 1-16. Accordingly, no new matter has been introduced by the addition of claims 71-87.

Objections to the Specification

**I. Hyperlinks**

The examiner objected to the disclosure for having embedded hyperlinks.

Applicants have amended paragraphs containing embedded hyperlinks on pages 14 and 15. However, applicants submit that the web address on page 17, line 8 does not contain the "http://" characters and is thus not an embedded hyperlink or other form of browser-executable code as described in MPEP §608.01, paragraph VII. Therefore, it is believed that the specification no longer contains any embedded hyperlinks. Withdrawal of this objection is respectfully requested.

**II. Trademark demarcation**

The examiner objected to the specification for having improperly demarcated trademarks. The specification is amended on pages 20, 42, 48 and 49 to capitalize trademarks and to include registration symbols as appropriate.

However, applicants submit that the term "primatized" is not an improperly demarcated trademark. The term "primatized" is used four times in the instant

specification on page 4, line 26; page 10, line 27; and page 12, lines 21 and 22. In each case, the term "primatized" refers to an antibody comprising monkey variable regions and human constant regions, as defined on page 12, lines 21-22 of the instant application.

A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others. Applicants are using the term "primatized" in its generic sense, as defined on page 12, lines 21-22 of the specification, and not as a trademark to describe a brand of goods and services. Accordingly, applicants have not amended the specification to indicate that the term "primatized" is a trademark.

Applicants believe that the specification no longer contains any improperly demarcated trademarks. Accordingly, applicants respectfully request withdrawal of this objection.

### **III. Antecedent basis**

The specification was objected to for failing to provide proper antecedent basis for the subject matter in former claim 7, which is now claim 74. Support for the claimed subject matter can be found, for example, on page 4, lines 28-30, and in original claim 7.

In addition, as stated in MPEP § 608.01(l),

In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it.

Therefore, applicants submit that the specification describes the antibody fragments as inclusive of diabodies, single chain antibodies, and multispecific antibodies. Accordingly, applicants respectfully request that this objection be withdrawn.

Claim objections.

Claims 1-16 were objected to as being drawn to non-elected inventions.

Applicants have cancelled claims 1-16. New claims 71-87 do not recite the non-elected subject matter of claims 1-16. Accordingly, applicants request withdrawal of this objection.

Claim 5 was objected to for not depending from claim 3, and improperly depending from claim 4. Applicants have cancelled former claims 1-16, but former claims 3-5 are now new claims 76-78. Applicants disagree with the objection and believe claims 77 and 78 are in proper dependent claim format under 35 U.S.C. 112, paragraph 4; 37 C.F.R. 1.75(c); and MPEP § 608.01(n). According to MPEP 608.01(n):

The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the base claim.

Therefore, applicants submit that claim 78 properly depends from claim 77. Applicants respectfully request that this objection be withdrawn.

Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph

Claims 1-16 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. Claims 1-16 have been cancelled. Applicants have presented new claims 72-87.

Claims 3-5 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as indefinite for lacking antecedent basis. Former claims 3-5 correspond to new claims 76-78, which depend from claim 75. Therefore, applicants believe proper antecedent basis exists for the term “the effector moiety.” Accordingly, applicants respectfully request withdrawal of this rejection.

Claims 1-16 stand rejected as indefinite for reciting the term “GPR64-93.” Applicants have cancelled claims 1-16 and added new claims 71-87. New claims 71-87 do not recite the term “GPR64-93.” Accordingly, applicants respectfully request withdrawal of this rejection.

Claims 1-16 stand rejected as indefinite for reciting the phrase, “that competitively inhibits binding of a GPR64 polypeptide.” Applicants have cancelled claims 1-16 and added new claims 71-87. New claims 71-87 do not recite the phrase, “that competitively inhibits binding of a GPR64 polypeptide.” Accordingly, applicants request withdrawal of this rejection.

Rejections under 35 U.S.C. § 112, 1<sup>st</sup> paragraph

**Lack of enablement.**

Claims 1-16 were rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. Specifically, the examiner stated that the specification “does not reasonably provide enablement for making and using an antibody that competitively inhibits binding of a GPR64 polypeptide to an antibody designated ‘GPR64-93.’” Claims 1-16 have been

cancelled. Applicants have presented new claims 71-87, which do not recite an antibody that competitively inhibits binding of a GPR64 polypeptide to an antibody designated GPR64-93. Accordingly, applicants respectfully request withdrawal of this rejection.

Additionally, claims 1-16 stand rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. In particular, the examiner requested that applicants assure public availability of the biological material deposited in connection with the present application. The specification has been amended to indicate that all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application. Accordingly, applicants respectfully request withdrawal of this rejection.

**Lack of written description.**

Claims 1-16 stand rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, for failing to comply with the written description requirement. Applicants have cancelled claims 1-16 and added new claims 71-87. New claims 71-87 do not recite a genus of antibodies that competitively inhibit binding of a GPR64 polypeptide. Accordingly, applicants request withdrawal of this rejection.

**Rejections under 35 U.S.C. § 102(e)**

Claims 1, 2, 6-12, 15, and 16 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0069239 A1, as evidenced by Kirchhoff et al. and George et al.

MAR 14 2007

Applicants have cancelled claims 1-16. New claims 71-87 have been added. The cited references do not disclose a hybridoma cell line deposited as ATCC Accession Number PTA-5704 or antibodies produced therefrom. Accordingly, withdrawal of this rejection under 35 U.S.C. § 102(e) is respectfully requested.

CONCLUSION

Applicants submit that new claims 71-87 recite novel antibodies and pharmaceutical compositions. Applicants also submit that the new claims are definite. In view of the foregoing, applicants respectfully submit that the subject application is in condition for allowance. Accordingly, reconsideration of the objections and rejections, and allowance of the claims are earnestly solicited.

If the undersigned can be of assistance to the examiner in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,

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